

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

1. J. DOE, *a minor child,
by and through their mother, Jane Doe,
also an individual,*

Plaintiff,

vs.

1. RYAN WALTERS, *an individual and in his
official capacity as State Superintendent of Public
Instruction and Chair of the Oklahoma State
Board of Education,*
2. DON BURDICK, *an individual and in his
official capacity as member of the State Board of
Education for District 1,*
3. SARAH LEPAK, *an individual and in her
official capacity as member of the State Board of
Education for District 2,*
4. KENDRA WESSON, *an individual and in her
official capacity as member of the State Board of
Education for District 4,*
5. KATIE QUEBEDEAUX, *an individual and
in her official capacity as member of the State Board
of Education for District 3,*
6. ZACHARY ARCHER, *an individual and in
his official capacity as at-large member of the State
Board of Education, and*
7. SUZANNE REYNOLDS, *former at-large
member of the State Board of Education solely in
her individual capacity,*

CIV 24-34-R

Defendants.

MOTION FOR EXTENSION OF TIME

Defendants respectfully move this Court to grant a fourteen-day extension of time to respond to Plaintiff's original Petition and Plaintiff's pending Motion for Leave to Proceed Under Pseudonym, setting a new deadline to respond to both on January 31, 2024. In support of this, Defendants state:

1. Without the requested extension, official capacity Defendants' responsive pleading and Defendant Reynolds's responsive pleading is due January 17, 2024. Other individual capacity defendants have not yet been served.
2. No previous dispositive motions for requests for extension have been made.
3. The extension is sought for the following reasons:
 - a. The petition was served on December 21 on the official capacity defendants, and staff necessary for research and drafting were out of office for the Christmas or New Year's holiday during the original response period.
 - b. Agency legal staff were responsible for assisting with preparation for the annual budget oversight by the legislature, which occurred January 10 and 11.
 - c. Agency legal staff are responsible for drafting nineteen Rule Impact Statements that are due on January 16 for the annual filing of rules for the Legislature.
 - d. Because the petition was served on the day of a Board meeting, counsel's first opportunity to discuss the litigation strategy with all Defendants will not occur until January 25, 2024.

- e. Due to the combination of the holiday season, multiple competing deadlines, and the need to properly consult with Defendants prior to filing, agency legal staff are unable to adequately respond to the petition on the original deadline.
- 4. Plaintiffs' counsel was contacted regarding this motion and has not indicated a position at the time of this filing.
- 5. Granting the requested extension of time will not impact any pending deadlines.
- 6. Plaintiffs will benefit from avoiding further summonses because the Defendants who have not yet been served intend to join in consolidated briefing on behalf of all Defendants in this action.
- 7. No prejudice will occur to Plaintiffs from the extension because the actions being challenged already occurred in September and October of 2023.

In consideration of the above, Defendants respectfully request the Court grant this motion, extending all Defendants' time to respond to Plaintiff's original Petition and Plaintiff's pending Motion for Leave to Proceed Under Pseudonym until January 31, 2024.

Respectfully Submitted,

s/ Bryan Cleveland

Bryan Cleveland, OBA #33860
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2024, I mailed, with proper U.S. postage prepaid, a true and correct copy of the above and foregoing instrument to the following:

Leslie Briggs, OBA #33845
Colleen McCarty, OBA #34410
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s/ Bryan Cleveland

Bryan Cleveland